
1991 Wis Eth Bd 10
EXPENSES; LEGISLATORS;
MEALS, LODGING, TRAVEL AND ENTERTAINMENT

Consistent with the Ethics Code, a legislator, while attending a conference on behalf of the state, may accept meals, refreshment, and the like that are provided, sponsored, or sanctioned by the event organizer and authorized by the legislature. Eth. Bd. 654

August 22, 1991

Facts

[1] This opinion is based upon these understandings:

- a. You are a member of the Wisconsin legislature.
- b. You have been authorized through established legislative procedures to attend a conference outside the state.
- c. The State of Wisconsin will be paying for the expenses you will incur in attending the conference.

Question

[2] The State of Wisconsin Ethics Board understands your question to be:

To what extent may you partake of meals and other offerings at the Conference if paid for by individuals or organizations other than the conference sponsor?

Discussion

[3] The Ethics Code prohibits public officials from receiving food, meals and beverages from others unless expressly permitted. Section 19.45(3m), *Wisconsin Statutes*, provides:

No state public official may accept or retain any transportation, lodging, meals, food or beverage, or reimbursement therefor, except in accordance with s. 19.56(3).

[4] Receipt of such items is expressly permitted if they are received on behalf of, and primarily for the benefit of, the state and an official can demonstrate that by clear and convincing evidence. Section 19.56(3)(c), *Wisconsin Statutes*, provides:

A state public official may receive and retain from the state or on behalf of the state transportation, lodging, meals, food or beverage, or reimbursement therefor or payment or reimbursement of actual and reasonable costs that the official can show by clear and convincing evidence were incurred or received on behalf of the state of Wisconsin and primarily for the benefit of the state and not primarily for the private benefit of the official or any other person.

[5] Your attendance at the conference about which you ask has been approved, and payment of expenses authorized, through established procedures of the legislature. In our view, such approval and authorization normally is sufficient to meet an official's burden of showing that attendance at a conference is on behalf of the state and primarily is for the state's benefit. This generally means that a legislator attending a conference on behalf of the state may accept meals, refreshment, and the like that are provided, sponsored, or sanctioned by the conference organizer and authorized by the legislature.¹ The Ethics Board understands legislative authorization of attendance customarily to cover events listed on the conference agenda. Other events associated with the conference usually must be specifically approved. Conversely, except as authorized, you should not accept food, drink, or entertainment offered at receptions and the like that are not provided, sponsored, or sanctioned by the conference and the legislature.²

Advice

[6] While attending a conference on behalf of the state, a legislator may, consistent with the Ethics Code, accept meals, refreshment, and the like that are provided, sponsored, or sanctioned by that event's organizer and authorized by the legislature.

¹ If items are received on behalf of the state, then the lobbying law's prohibition on individual receipt of items of pecuniary value from lobbyists or principals does not come into play.

² Receipt of items other than those listed in §19.45(3m) may not be accepted if they have substantial value or if furnished by a lobbyist or principal. Sections 13.625 and 19.45(2), *Wisconsin Statutes*. Moreover, no items may be accepted if they could reasonably be expected to influence official judgment or action. Section 19.45(3), *Wisconsin Statutes*.